

MAY 10 2011

SOUTHERN DISTRICT
WEST VIRGINIA

In the
United States Bankruptcy Court
for the
Southern District of West Virginia

In re:

Peter Paul Mitrano,
Debtor.

Case No. 2:10-bk-20476
Chapter 13

Mitrano's Verified Petition to Perpetuate
Testimony and Request for an Order Authorizing
Petitioner Mitrano to Perpetuate Testimony

Debtor, ~~petitioner~~, Peter Paul Mitrano
(hereinafter sometimes referred to as "Mitrano"),
pro se, states Mitrano's Verified Petition to
Perpetuate Testimony and Request for an Order
Authorizing Petitioner Mitrano to Perpetuate
Testimony as follows:

Pursuant to Rule 7027 of the Federal Rules
of Bankruptcy Procedure and the referenced
therein to Rule 27 of the Federal Rules of
Civil Procedure, Mitrano hereby respectfully
requests an order from this Court authorizing
7 Mitrano to perpetuate testimony. See Deiulemar

Compagnia di Navigazione S.P.A. v. M/V Allegra, 198 F.3d 473, 478, n.5 (4th Cir. 1999) ("Perpetuation of testimony includes the inspection of documents and things."). Also see Calderon v. United States Dist. Court, 144 F.3d 618 (9th Cir. 1998); In re Sims, 389 F.2d 148 (5th Cir. 1967); and, Robinson v. Hinman, 295 Fed. Appx. 59 (7th Cir. 2008).

Petitioner. Mitrano expects to be a party to an action cognizable in the Courts of the United States, to seek remedies as a result of the actions and inactions of the United States of America and others involving violations of Mitrano's constitutional rights and other causes of actions including but not limited to civil conspiracy, false imprisonment, the improper placement of Mitrano in solitary confinement (See Wolff v. McDonnell, 418 U.S. 539 (1974) (procedural protections required before inmates are subject to solitary confinement), inadequate medical and dental care, denial of access to ~~any~~ outside recreation, law library and religious services, ~~the~~ violation of the Second Chance Act (see Title 18, U.S.C. § 3621), etc.

Petitioner Mitrano is presently unable to bring his cause of action at this time because of the requirements by the United States of America that Mitrano must exhaust certain administrative remedies. See Title 42, United States Code, Section 1997e. Petitioner Mitrano is filing this petition to perpetuate testimony related to his cause of action that Mitrano intends to file in a court of the United States.

The facts that petitioner Mitrano intends to establish include but are not limited to the members of the civil conspiracy, the facts of petitioner Mitrano's false imprisonment, the improper placement of petitioner Mitrano in solitary confinement, the facts and documents related to the lack of adequate medical and dental care, the facts related to petitioner Mitrano's denial of access to outside recreation, the facts related to petitioner Mitrano's denial of access to the law library, the facts related to petitioner Mitrano's denial of access to religious services, the names of the individuals responsible for making the decisions related to the violations

of petitioner Mitrano's rights; and, the matters related to Mitrano's letters to the Legal Office (addressed to Ms. Debbie Stevens, Attorney-at-Law) at the Beckley Federal Prison dated August 15, 2010; August 26, 2010; September 7, 2010; September 10, 2010; October 7, 2010; November 14, 2010; November 25, 2010; December 21, 2010; February 10, 2011; and, the matters related to Mitrano's e-mails addressed to Warden J. Ziegler at the Beckley Federal Prison dated December 22, 2010; January 13, 2011; January 24, 2011; February 9, 2011; March 26, 2011; April 2, 2011; April 4, 2011; and, the matters related to Mitrano's e-mails addressed to Mr. Thompson (by and through the Warden) dated February 12, 2011; Mr. Hamrick (by and through the Warden) dated February 13, 2011; Captain Nash (by and through the Warden) dated February 14, 2011.

A description of the persons whom petitioner Mitrano expects to be adverse parties include but are not limited to the United States of America, the staff at FCI Beckley, located at 1600 Industrial Road, Beaver, West Virginia 25813 including but not

limited to Ms. B. Seafus, Mr. J. Grimes, Mr. Painter, Mr. Carter, Ms. Smith, Captain Jeremy Nash, Warden Joel Ziegler, Ms. Bonita F. Bowman, Ms. Bonita Mosley, Mr. David Farley, Thomas D. Clifton, Ms. B. Fletcher, Officer Erskine, Officer Strickland, Officer Pysell, Officer Harrison, Officer Goode, Officer Gibson, Officer Saunders, Mr. Kevin Thompson, Mr. Mike Hamrick, Ms. Debbie Stevens, Ms. Vicki Blankenship, Mrs. Lester, Mr. D. Berkebile, and Mr. Mitchem.

I, petitioner Mitrano, expect the evidence to be as stated ~~in~~ herein including but not limited the above-referenced letters and e-mails.

Petitioner Mitrano, states under oath under the penalty of perjury that petitioner Mitrano is over the age of eighteen years old and competent and that the above factual statements are true and correct to the best of my information, knowledge and belief and/or are based upon information that ~~petitioner~~ petitioner Mitrano believes to be true and correct.

Petitioner Mitrano requests that this Court issue an Order authorizing petitioner Mitrano to perpetuate testimony of the United States of America by and through its employees named herein and other employees of the United States of America that have knowledge of the facts related to the matters stated herein. In the alternative, petitioner Mitrano requests that this Court issue an Order authorizing petitioner Mitrano to perpetuate testimony of the United States of America by and through its employees named herein.

THEREFORE, petitioner, Peter Paul Mitrano, pro se, respectfully requests that this Honorable Court grant this Petition.

Respectfully submitted,
Peter P. Mitrano
Peter Paul Mitrano, Pro se
No. 72996-083

Federal Correctional Institution
P.O. Box 350
Beaver, West Virginia 25813
Petitioner and Debtor

Dated: May 8, 2011.

Certificate of Service

I hereby certify that I caused a copy of the foregoing Mitrano's Verified Petition to Perpetuate Testimony and Request For an Order Authorizing Petitioner Mitrano to Perpetuate Testimony to be deposited in the Prison Mail Box at Beckley Federal Prison, postage prepaid for first-class mail on this 8th day of May 2011 addressed to the Attorney General of the United States, United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530; United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530; and also to Gary L. Call, Assistant United States Attorney, P.O. Box 1713, Charleston, West Virginia 25326-1713.

Peter P. Mitrano
Peter Paul Mitrano

Prison Mail Box Rule

Petitioner Mitrano requests that this document be deemed File with the Court on May 8, 2011, the date the same was deposited in the Prison Mail Box at Beckley Federal Prison.

Peter P. Mitrano